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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,328	10/03/2003	Gaston S. Ormazabal	Verizon-36 (03-1506)	2567
32127	7590	09/28/2006	EXAMINER	
VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD, SUITE 500 ARLINGTON, VA 22201-2909			HOFFMAN, BRANDON S	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,328

Applicant(s)

ORMAZABAL ET AL.

Examiner

Brandon S. Hoffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 9 is objected to because of the following informalities: claim 9, lines 19 and 20, cite "a **second test device**", "wherein the **first test device** includes". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by McClure et al. (U.S. Patent Pub. No. 2003/0195861).

Regarding claims 1, 5, and 9, McClure et al. teaches a firewall test system/method, comprising:

- A first test device located on an untrusted side of said firewall (fig. 1, ref. num 104), the first test device including:

- A session signal generator for transmitting a communications session initiation signal using an IP address corresponding to said signal source to establish a communications session to be conducted through said firewall (fig. 5 and paragraph 0013);
- A probe signal generator for generating test signals at a range of ports in a first side of said firewall through which media signals may be transmitted when said ports are open, said test signals including said IP address (paragraph 0130); and
- Timing synchronization circuitry for synchronizing said session signal generator and said probe signal generator to at least one of another test device and a clock signal source located external to said first test device (paragraph 0080); and
- A second test device located on a trusted side of said firewall (fig. 1, ref. num 106), the second test device including:
 - Means for monitoring a second side of said firewall to detect any transmitted test signals that pass through said firewall (paragraph 0324); and
 - An analysis module for identifying any open ports that are not associated with an established communications session, which passed at least one of said transmitted test signals, as erroneously open ports (paragraph 0355, 361-363).

Regarding claims 2 and 10, McClure et al. teaches wherein said probe signal generator generates IP packets which include said IP address as a source address (paragraph 0035).

Regarding claims 3 and 11, McClure et al. teaches wherein said analysis module includes:

- Means for determining from at least one session initiation signal at least one port associated with the established communication session that should be open (paragraph 0361); and
- Means for generating an error signal indicating that said at least one port associated with the established communication session is erroneously closed if a test signal is not detected passing through said port to the second side of said firewall (fig. 3, ref. num 339).

Regarding claims 4 and 13, McClure et al. teaches wherein said first test device further includes:

- An analysis module for monitoring the second side of said firewall to determine if said first test signal passed through said firewall (fig. 3, ref. num 324, 326, and 339); and
- A report generation module for reporting a firewall error if it is determined that said first signal passed through said firewall (paragraph 0032).

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Regarding claims 6 and 7, McClure et al. teaches wherein further comprising:

- Operating the [first/second] test device to communicate information identifying ports through which test signals were detected passing through said firewall from the [second/first] side to the [second/first] test device (fig. 4); and
- Operating the [second/first] test device to generate a test report including information about the status of unidirectional ports used to communicate signals from the first side to the second side and unidirectional ports used to communicate signals from the second side to the first side (fig. 2, ref. num 212).

Regarding claim 12, McClure et al. teaches wherein the test signal generator of said first test device includes means for transmitting a first test signal at the first side of said network firewall from the signal source using an IP address that is not associated with any ongoing communications session being conducted through said firewall prior to said communications session initiation signal being generated (paragraph 0034).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClure et al. (U.S. Patent Pub. No. 2003/0195861) in view of Read (U.S. Patent Pub. No. 2004/0028035).

Regarding claims 8 and 14, McClure et al. teaches all the limitations of claims 1, 3, 5, 7, and 9. However, McClure et al. does not teach wherein said session signal generates at least one of SIP and H.323 compliant signals.

Read teaches wherein said session signal generates at least one of SIP and H.323 compliant signals (paragraph 0094).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine using SIP or H.323 compliant signals, as taught by Read, with the method/system of McClure et al. It would have been obvious for such modifications because SIP and H.323 are common signals for generating sessions between computers using TCP and UDP for transmitting voice data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Buade 21/11

BH

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

[Signature]
9,25,06